

HOUSE BILL No. 1151

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2.5-5.5.

Synopsis: Home detention. Allows a sentencing court to place an offender who resides in a county adjacent to the county in which the sentencing court is located on home detention in the county where the offender resides if the offender is supervised by a community corrections program or probation department located in the county in which the sentencing court is located. Allows a court to place an offender who resides in a county that is not adjacent to the county in which the sentencing court is located on home detention in the county where the offender resides if the offender is: (1) eligible for home detention in the county in which the offender resides; and (2) supervised by a community corrections program or probation department located in the county in which the offender resides. Specifies that a probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision.

Effective: July 1, 2008.

Richardson

January 8, 2008, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1151

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2.5-5.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) A **sentencing**
3 court **in one (1) county** may not place an offender who resides in a
4 ~~different another~~ county on home detention ~~unless~~ **in the other**
5 **county except as follows:**

6 (1) ~~If the offender is eligible for home detention in the county in~~
7 ~~which the person resides; and~~ **resides in a county adjacent to**
8 **the county in which the sentencing court is located,**
9 **supervision of the offender must be conducted by the**
10 **probation department or community corrections program**
11 **located in the county in which the sentencing court is located.**

12 (2) **If the offender resides in a county that is not adjacent to**
13 **the county in which the sentencing court is located:**

14 (A) **the offender must be eligible for home detention in the**
15 **county in which the offender resides; and**

16 (B) ~~supervision of the offender will~~ **must** be conducted by the
17 probation department or community corrections program



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1 located in the county in which the offender resides.
 2 ~~(b)~~ If an offender is:
 3 (1) currently serving home detention in a county that operates a
 4 home detention program; and
 5 (2) being supervised by a probation department or community
 6 corrections program located in a different county;
 7 the court shall order that supervision of the offender be transferred to
 8 the probation department or community corrections program located in
 9 the county where the offender resides.
 10 ~~(c)~~ **(b)** All home detention fees described in section 8 of this chapter
 11 shall be collected by the probation department or community
 12 corrections program that supervises the offender.
 13 **(c) A probation department or community corrections program**
 14 **that supervises an offender on home detention is responsible for**
 15 **the expenses of the supervision.**

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